

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-6 and 8-20 remain in the application and claims 1, 18 and 20 are independent. The Office Action dated April 16, 2010 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the instant amendment and the following remarks.

Applicant respectfully submits the instant amendment is intended to promptly bring the application into condition for allowance, by distinctly and specifically points out errors in the rejections of the prior Office Action and pointing out specific distinctions that render the claims allowable over the applied prior art. However, should the Examiner prefer alternate phraseology that would make the application allowable, he is invited to telephone Applicant's representative Paul T. Sewell to discuss his suggestions.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4-6, 8-11 and 13-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Margulis in view of Hsu, Uchida and further in view of Calderon. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See MPEP § 706.02(j) and MPEP §§ 2141-2144.

The Office Action admits on page 3 that “neither Margulis nor Hsu teach that the wireless terminal switches the transmission channels either (i) every cycle corresponding to at least a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels.” In an attempt to address these features the rejection turns to Uchida for a showing of channel selection and a control section. But Uchida merely shows conventional broadcast channel selection by structure that includes a

CPU. (Applicant incorporates herein the detailed description of Margulis, Hsu and Uchida provided in previous responses, and in particular the response filed November 6, 2009.)

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claims 1, 18 and 20 have been amended to clarify the combination of elements in wireless terminal switching, *inter alia*, switches the transmission channels (i) every cycle corresponding to at least a period during which the base device selects each one of the plurality of transmission channels, and (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which only corresponds to time in which the wireless terminal maintains one of the transmission channels. Applicant respectfully submit that this combination of elements as set forth in independent claims 1, 18 and 20 is not disclosed or made obvious by the prior art of record, including Margulis, Hsu, Uchida and Calderon.

The Examiner states that Uchida selects broadcast television signals of a selected channel. Applicant respectfully submits that to the contrary, that is not what is being claimed. The claims make clear that the selection of a broadcast channel is not the selection being claimed. A broadcast channel is not a transmission channel. Clearly, the claims are directed to communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, and (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which only corresponds to time in which the wireless terminal maintains one of the transmission channels.

A careful review of Uchida reveals it only includes the following features: a bidirectional communication system which includes external devices such as a display apparatus 100, a base apparatus 200 and a set-top box 300; the display apparatus 100 transmits a control signal to the base apparatus 200; in accordance with a control signal from the display apparatus 100, the base apparatus 200 (a) selects a video signal and/or an audio signal (which is in this case an analog television broadcast signal) that the base apparatus 200 itself has received or (b) transmits a control signal to an external apparatus such as the set-top box 300 which receives digital satellite broadcast signals; and the display apparatus 100 receives a video signal and/or an audio signal from the base apparatus 200 or from the external apparatus such as the set-top box 300 via the base apparatus 200.

Thus, Uchida neither discloses nor suggests (1) the wireless terminal communicates with the base device by using a plurality of transmission channels, and neither discloses or suggests (2) switching the transmission channels (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, **and** (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which **only** corresponds to time in which the wireless terminal maintains one of the transmission channels. Therefore Uchida cannot make up for what the Office Action admits is not shown by Margulis and Hsu.

Then on page 4 the Office Action admits that “Margulis in view of Hsu in view of Uchida do not specifically show that the transmission channels comprising a number of communication channels for communication between the base device and the wireless terminal.”

To address the quoted feature, the Office Action now applies a fourth reference to Calderon, asserting Calderon shows the “transmission channels comprising a number of communication channels”. Calderon relates to a transceiver that has combined IEEE 802.11 and Bluetooth communication systems, and provides a hardwired connection that reduces interference. To reduce interference, a controller in Figure 1 monitors busy signals and causes transmission of the second communication signal to be delayed due to an active transmission state of the first communication system, and one of the first or second transmission systems transmits in RF time slots. This avoids interference when the WiFi and Bluetooth systems operate close to each other at frequencies where interference might occur.

However, Calderon uses a constant “busy” signal as described on lines 18-29 of page 11 to ensure no conflict in transmissions are permitted. Thus, in Calderon there is an assumption that good connections are maintained between a base and a remote during transmissions on any transmission channel needed to make sure the busy signal information is correctly conveyed. Nowhere does Calderon show or suggest a wireless terminal that switches the transmission channels (i) every cycle corresponding to at least a period during which the base device selects each one of the plurality of transmission channels, **and** (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which **only** corresponds to time in which the wireless terminal maintains one of the transmission channels. Therefore, Calderon cannot remedy the admitted defects of Margolis, Hsu and Uchida.

Applicant respectfully notes that the Office Action never addresses the claimed feature that the wireless terminal switches the transmission channels (i) every cycle corresponding to at least a period during which the base device selects each one of the plurality of transmission channels, and (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which only corresponds to time in which the wireless terminal maintains one of the transmission channels. Obviousness under § 103 cannot be established unless each and every element of the claims is taught or suggested. Therefore, because the wireless terminal switching has not even been shown to be present in the prior art, the claims cannot be obvious. And even if such wireless terminal switching had been shown to be present, which we do not admit, no proper rationale for such a combination has been presented. Applicant respectfully submits that the combination of elements as set forth in independent claims 1, 18 and 20 is not disclosed or made obvious by the prior art of record, including Margulis, Hsu, Uchida and Calderon, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 4-6, 8-11, 13-17 and 19, Applicant submits that claims 4-6, 8-11, 13-17 and 19 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 4-6, 8-11, 13-17 and 19 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Margulis, Hsu, Uchida and Calderon, and further in view of Forler. This rejection is also respectfully traversed. Forler was cited to show a viewer blocking system that permits access to a channel or maintains the channel as unblocked, as described in column 6. Forler fails to show or suggest communication between a base device and a wireless terminal wherein the wireless terminal switches the transmission channels (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, and (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which only corresponds to time in which the wireless terminal maintains one of the transmission channels, and therefore fails to remedy the defects of Margulis, Hsu, Uchida and Calderon discussed above. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 3 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Margulis, Hsu, Uchida and Calderon, and further in view of Sano. This rejection is also respectfully traversed. Sano was cited for a LAN radio system which can display reception quality based on field intensity. Sano fails to show or suggest communication between a base device and a wireless terminal wherein the wireless terminal switches the transmission channels (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, and (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which only corresponds to time in which the wireless terminal maintains one of the transmission channels, and therefore cannot remedy the defects of Margulis, Hsu, Uchida and Calderon discussed above. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

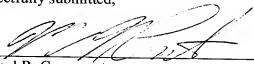
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: June 15, 2010

Respectfully submitted,

By



Michael R. Cammarata

Registration No.: 39491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000